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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,929	01/29/2001	Brian Kilgore	2479.1091-000	9084

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EXAMINER

STEVENS, ROBERTA A

ART UNIT	PAPER NUMBER
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2665

5

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/771,929

**Applicant(s)**

KILGORE, BRIAN

**Examiner**

Roberta A Stevens

**Art Unit**

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 7-11, 13, 15, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhagwat (U.S. 6651105 B1).

3. Regarding claim 1, Bhagwat teaches a method of preserving PPP session (figure 5) over a data network having mobile station (550) handoff capability, comprising: establishing a first link of the PPP session through a first path including a first wireless connection in the data network (col. 7, line 60 – col. 8, line 64); creating a second link associated with PPP session through a second path including a second wireless connection in the data network (col. 8, line 65 – col. 9, line 49); and releasing the first link while preserving the PPP session (figure 6 and col. 9, line 50 – col. 10, line 34).

4. Regarding claims 2 and 9, Bhagwat teaches (figure 5) a multi-link PPP.

5. Regarding claims 3 and 10, Bhagwat teaches (col. 9, line 50 – col. 10, line 34) releasing the first link is in response to determining that the second path better supports the PPP session than the first path.

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6. Regarding claims 5, 11 and 13, Bhagwat teaches (col. 8, line 65 – col. 9, line 49) creating a second link employing an underlying radio-link protocol.

7. Regarding claims 7 and 15, Bhagwat teaches (col. 7, lines 34-41) maintaining at least one data table (database) supporting the PPP session.

8. Regarding claim 8, Bhagwat teaches an apparatus for preserving PPP session (figure 5) over a data network having mobile station (550) handoff capability, comprising: a mobile station (550), coupled to a first base station (AP1) via a first wireless connection over a first air interface in a first base station zone, and coupled to a second base station (AP2) via second wireless connection over a second air interface in a second base station zone, the first base station (AP1) being coupled to a remote server (595) via the data network, the second base station (AP2) being coupled to the remote server (595) via the data network; and a PPP session manager, to establish a first link of the PPP session between the mobile station and the server via a first path including the first wireless connection (col. 7, line 60 – col. 8, line 64), to create a second link of the PPP session between the mobile station and the server via a second path including a second wireless connection in (col. 8, line 65 – col. 9, line 49), and to release the first link while preserving the PPP session (figure 6 and col. 9, line 50 – col. 10, line 34).

9. Regarding claim 19, Bhagwat teaches an apparatus of preserving PPP session (figure 5) over a data network having mobile station (550) handoff capability,

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comprising: means for establishing a first link of the PPP session through a first path including a first wireless connection in the data network (col. 7, line 60 – col. 8, line 64); means for creating a second link associated with PPP session through a second path including a second wireless connection in the data network (col. 8, line 65 – col. 9, line 49); and means for releasing the first link while preserving the PPP session (figure 6 and col. 9, line 50 – col. 10, line 34).

10. Regarding claim 20, Bhagwat teaches a computer readable medium having stored thereto sequence of instructions that when executed causes the processor to perform: establishing a first link of the PPP session (figure 5) through a first path including a first wireless connection in a data network having mobile station handoff capability (col. 7, line 60 – col. 8, line 64); creating a second link associated with PPP session through a second path including a second wireless connection in the data network (col. 8, line 65 – col. 9, line 49); and releasing the first link while preserving the PPP session (figure 6 and col. 9, line 50 – col. 10, line 34).

### *Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 4, 6, 12, 14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagwat in view of Illidge (U.S. 2002/0085514 A1).
13. Regarding claims 4 and 12, as mentioned above Bhagwat teaches all of the limitations of claim 1 and 3
14. Bhagwat does not disclose determining the signal to noise ratio.
15. Illidge teaches (page 4, paragraph 27) as a part of handoff procedure reporting the PN identity. It would have been obvious to one of ordinary skill in the art to adapt to Bhagwat's system Illidge's PN identity reporting to ensure a quality handoff.
16. Regarding claims 6 and 14, as for the manager creating other links, it is obvious that Bhagwat's system is for a plurality of mobile stations.
17. Regarding claims 16-18, as for the PPP session manager residing in a personal computer, wireless modem or gateway, it would have been obvious to one of ordinary skill in the art to have the manager reside in any number of devices.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Verma (U.S. 2003/0224792 A1), Manning (U.S. 6580699 B1) and Liroy (U.S. 6377556 B1) are cited to show the state of the art.
19. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-

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6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

21. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

22. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231 **or faxed to:** (703) 872-9306

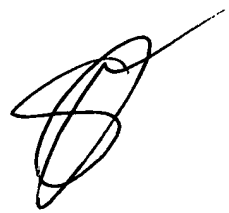
For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

06-11-04



STEVEN NGUYEN  
PRIMARY EXAMINER